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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re GERARDO H., a Person Coming
Under the Juvenile Court Law.

2d Juv. No. B217329
(Super. Ct. No. JV45036)
(San Luis Obispo County)

THE PEOPLE,

Plaintiff and Respondent,

v.

GERARDO H.,

Defendant and Appellant.

Gerardo H., a minor, appeals the order continuing him as a ward of the juvenile court and releasing him on probation with various terms and conditions (Welf. & Inst. Code, § 602). He also appeals the order denying his motion to suppress statements he made to the police on the ground that they were involuntary.

Appellant was on probation on previously-sustained juvenile petitions for vandalism and trespass when his probation officer arrested him for absconding. Instead of taking appellant to juvenile hall, the probation officer took him to be questioned by a police officer about several recent residential burglaries. The officer wanted to question appellant because property stolen in the burglaries had been found in the home of

appellant's girlfriend and her parents. After the officer obtained a *Miranda*¹ waiver from appellant, appellant confessed to the crimes and identified the residences he had burglarized. Appellant was subsequently charged in a new Welfare and Institutions Code section 602 petition with six counts of residential burglary (Pen. Code,² §§ 459, 462, subd. (a)), one count of automobile burglary (§ 459), two counts of receiving stolen property (§ 496, subd. (a)), and one count of petty theft (§ 484, subd. (a)).

Appellant moved to suppress his statements to the police, claiming they were obtained through unlawful coercion and in violation of *Miranda*. At the hearing on the motion, appellant testified that he had invoked his right to an attorney when the advisements were given. He also testified that he had agreed to confess only after the officer threatened to arrest his girlfriend and her parents. The officer denied that appellant had requested an attorney, yet acknowledged telling appellant that his girlfriend and her parents would be arrested if he did not cooperate.

At the conclusion of the hearing, the court found that appellant had not invoked his right to an attorney. The court further found that the police officer's interview did not amount to coercion, although it came close to doing so. Accordingly, the court denied appellant's motion to suppress. Appellant thereafter admitted one charge of residential burglary, in exchange for the dismissal of the remaining counts.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief in which no issues were raised.

On September 28, 2009, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. Appellant did not respond.

We have reviewed the entire record and are satisfied that appellant's

¹ *Miranda v. Arizona* (1966) 384 U.S. 436.

² All further undesignated statutory references are to the Penal Code.

attorney has fully complied with his responsibilities and that no arguable issues exist.
(*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

Ginger E. Garrett, Judge
Superior Court County of San Luis Obispo

California Appellate Project, Jonathan B. Steiner, Executive Director,
Richard B. Lennon, Staff Attorney, under appointment by the Court of Appeal, for
Appellant.

No appearance for Respondent.